

**THE HON'BLE SMT. JUSTICE T. MEENA KUMARI  
AND  
THE HON'BLE SRI JUSTICE G. CHANDRAIAH**

**WRIT PETITION No.13230 of 2007**

**Date 25-6-2007**

**Between:**

**The Chief Executive Officer,  
Zilla Praja Parishad,  
Warangal District.**

.....

**PETITIONER  
AND**

**A.Komaraiah and others.**

**....RESPONDENTS**

**THE HON'BLE SMT. JUSTICE T. MEENA KUMARI  
AND  
THE HON'BLE SRI JUSTICE G. CHANDRAIAH**

**WRIT PETITION No.13230 of 2007**

ORDER: (per Smt. T.Meena Kumari,J)

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The Department filed the present writ petition questioning the order of the Andhra Pradesh Administrative Tribunal, Hyderabad made in O.A. NO. 1449 of 2003, dated 12.2.2007, as illegal and arbitrary and to quash the same.

The facts in brief are that the 1<sup>st</sup> respondent herein who worked as Attender filed O.A. No.1449 of 2003 before the Tribunal assailing the action of the Departmental authorities in not taking into account the service rendered by him from 17.12.1965 to 26.6.1977.

The 1<sup>st</sup> respondent herein was appointed as Sevak in a contingent post and he worked as such from 17.12.1965 to 27.6.1977 till 30.9.2000, on which date, he retired from service on medical invalidation. While so, the authorities issued proceedings dated 11.6.2002, fixing the pension at Rs. 1535/- by taking into account the service rendered by him as Attender, but, they did not take into account the service rendered by him as Sevak. Therefore, he contended that as per G.O. Ms. No.156, dated 29.4.1983, the service rendered by him as a contingent employee also shall have to be taken into account for the purpose of fixation of pension.

Para-3 of G.O. Ms. No.156, dated 29.4.1983 reads thus:

“As full time contingent employees are low paid employees and as it would be a hardship to these employees if the benefit of their past service is not reckoned for the purpose of pension and also as a Social Security measure, Government have decided after careful consideration

and accordingly hereby order that the pre-absorption service of full time contingent employees who are absorbed in Government service against posts of full time contingent employees converted into Last Grade Posts, in accordance with the orders issued in the G.Os. 1<sup>st</sup> and 2<sup>nd</sup> read above be counted for purposes of pension in combination with subsequent Government service in relaxation of Art. 361 of C.S.Rs.”

Admittedly, the said G.O. is applicable to all full time contingent employees and there is no clause in the said G.O. which disentitles the 1<sup>st</sup> respondent from claiming the said benefit. Therefore, the authorities are not justified in excluding the service rendered by the 1<sup>st</sup> respondent from 17.12.1965 to 27.6.1977 while fixing pension.

The Tribunal, therefore taking all these factors into consideration, while relying on an earlier order passed by it in O.A. No. 3255 of 95, dated 3.9.1997, allowed the said O.A. filed by the 1<sup>st</sup> respondent and directed the authorities to take into account the service rendered by him as contingent employee before he was absorbed in the Last grade for the purpose of fixation of pension, and to pay the arrears.

We do not find any illegality or irregularity in the order of the Tribunal warranting interference. The writ petition fails and the same is accordingly dismissed. No costs.

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T. MEENA KUMARI,J

DATE: 25<sup>th</sup> June, 2007

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G. CHANDRAIAH,J

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